



# **WELFARE DEPARTMENT**

## **GENERAL ASSISTANCE GUIDELINES**

### **MISSION STATEMENT**

*We provide assistance to individuals, families and households who lack adequate resources to meet their basic needs. We are facilitators in that we direct those in need to relief agencies, i.e., federal, state, non-profit, etc. therefore reducing the burden on our Departmental budget and the Manchester taxpayers. We strive to promote self-reliance, independence and self-sufficiency.*

## **GENERAL ASSISTANCE GUIDELINES**

### **INTRODUCTION**

The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to General Assistance. These guidelines shall include, but not be limited to, the following:

- (a) The process for application for General Assistance.
- (b) The criteria for determining eligibility.
- (c) The process for appealing a decision relative to the granting of General Assistance.

### **ROLES OF WELFARE COMMISSIONER & LOCAL GOVERNING BODY**

The responsibility for the day-to-day administration of the General Assistance Program shall be vested in the elected Welfare Commissioner of the City of Manchester. The Welfare Commissioner shall administer the General Assistance Program in accordance with federal legislation, RSA 165 and the City of Manchester General Assistance Guidelines. The local governing body (Board of Mayor and Aldermen) is responsible for the adoption of the Guidelines relative to General Assistance. RSA 165:1 (II).

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- *Applicant/Client Responsibilities* (Form 1008) – Appendix H
- *Basic Allotment and Rental Allowance Guidelines* – Appendix J
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## **I. DEFINITIONS**

As used in these Guidelines, the following terms have the indicated meaning:

**ADVERSE ACTION:** A Notice of Decision documenting suspension, denial, or reduction of assistance.

**APPLICANT:** A person or persons expressing a desire to receive General Assistance. In these Guidelines, the term "Applicant" is used to designate one or more persons.

**APPLICATION FOR ASSISTANCE (APPLICATION):** The form by which a person requests assistance from a welfare official.

**ARREARAGES:** Past due amounts on bills for basic needs.

**ASSETS:** All cash, real estate property, personal property and future interests owned by the applicant; including annuities, insurance awards, tax refunds, retroactive government and insurance payments, expectancies, etc.

**AVAILABLE LIQUID ASSETS:** Assets readily convertible to cash. See exclusions enumerated in "Determination of Eligibility" section of these Guidelines. **Available liquid assets include, but are not limited to:** bank accounts, credit union accounts, stocks, bonds, brokerage accounts, securities, tax refunds, tax sheltered funds (IRA 401K, 403B accounts, etc.), retirement funds, pension funds, insurance policies with a loan value. Non-essential personal property shall be considered as available liquid assets when they have been converted into cash.

**BASIC NEEDS:** The essential maintenance and support requirements of a person, as determined by a welfare official under the "standard of need" described in the "Determination of Eligibility" section of these Guidelines.

**CASE RECORD:** Official City of Manchester Welfare Department files containing forms, documents, correspondence and narrative records pertaining to the application. Case files include: determination of eligibility, reasons for decisions and action by the welfare official, types of assistance requested and assistance provided. Cases are held open for six (6) months after the date of last contact with the client.

**CASEWORKER:** See Welfare Official.

**CITY:** The City of Manchester, New Hampshire.

**CLAIMANT:** A client who has requested a Fair Hearing, either in person or through a duly authorized representative.

**CLIENT:** A person or persons with an open case at Manchester City Welfare. In these Guidelines, the term "Client" is used to designate one or more persons.

**CLIENT INFORMATION UPDATE SHEET:** The form utilized for providing the welfare official with any and all changes affecting the client's household circumstances since the last time the client was seen by a welfare official.

**COMPLIANCE:** Fulfilling all official requirements, conditions and adhering to these Guidelines.

**CONTACT SHEET:** The form utilized to obtain basic information to determine the applicant's present circumstances.

**DENIAL:** A determination made by a welfare official that a person does not meet the criteria for assistance.

**DEPARTMENT:** The City of Manchester, New Hampshire Welfare Department.

**ELIGIBILITY:** Determination by a welfare official in accordance with RSA 165 and with the assistance of these Guidelines, of a person's need for General Assistance.

**FAIR HEARING:** An inquiry, in accordance with the standards described in the "Fair Hearings" section of these Guidelines, which the person has requested to contest an adverse action. A hearing will be held before an impartial person (Fair Hearing Officer) having no prior knowledge of the case.

**FAIR HEARING REQUEST FORM:** The City of Manchester Welfare Department form that is to be completed in writing by the claimant and submitted to the welfare official to request a Fair Hearing.

**FAMILY UNIT:** The applicant/client and any related or unrelated person(s) residing with the applicant/client. Family unit includes, but is not limited to:

- a) A person "in loco parentis", that is, one who intentionally accepts the rights and duties of a natural parent with respect to a child not his/her own and who has lived with the child long enough to form a psychological family.
- b) Two unmarried adults who live together and who have produced a child.

**GENERAL ASSISTANCE:** The term used for local welfare programs administered and funded by each city and town in New Hampshire.

**HOME VISIT:** A visit to the home of any applicant or client.

**HOUSEHOLD:** The total number of persons living together who share in or benefit from shelter and other expenses and services. The individuals share living quarters, but are not financially liable for each other unless they request to be treated as such. Expenses which benefit the household (rent, utilities, etc.) are divided pro rata for the purposes of calculating the applicant's need, based on the total number of persons in the household. However, the total shelter cost must approximate the Rental Allowance Guidelines (Appendix – J) amounts for the household size. (For example, three unrelated adults share an apartment, one applies for assistance, rental assistance is determined as one-third of the total shelter cost for three people and the total shelter cost for all three must approximate the Guideline amounts for a household of three.)

**INTAKE:** The initial interview at which time the application is reviewed by a welfare official to determine eligibility.

**LANDLORD:** The property owner or the property owner's authorized agent of a valid rental property.

**LIABILITY FOR SUPPORT:** Those legally liable relatives deemed under RSA 165:19 to have financial responsibility for anyone applying for General Assistance.

**MINOR:** A person who has not attained the age of eighteen (18) years.

**NEED:** The basic maintenance and support requirements of a person, as determined by a welfare official under the standards described in the “Determination of Eligibility” section of these Guidelines.

**NON-RESIDENT:** A person temporarily in Manchester while his/her residence is elsewhere.

**NORMAL WORKING HOURS:** The posted office hours of the City of Manchester Welfare Department. The Welfare offices are closed on weekends and on City-defined holidays.

**NOTICE OF APPLICATION CONTACT:** The form used to detail the status of an applicant’s request.

**NOTICE OF DECISION:** The form used to detail the determinations made by the welfare official, i.e., approved, denied, pending, suspended, or withdrawn.

**REAL ESTATE:** Land, structures and fixtures attached to it.

**REFERRAL:** Any health, social service or other entity to which the City has referred a client for additional resources and/or assistance.

**REIMBURSEMENT:** Repayment of assistance rendered by the City, pursuant to RSA chapter 165, by clients who are financially able.

**RELIEVE AND MAINTAIN:** The sustaining of basic needs necessary to the health and welfare of the household.

**RESIDENCE:** Residence or residency shall mean an applicant’s/client’s place of abode or domicile. The place of abode or domicile is that place designated by an applicant/client as his/her principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence. RSA 165:1 (I); RSA 21:6-a.

**RESIDENTIAL UNIT:** All persons physically residing with the applicant, including persons in the applicant’s household and those not within the household.

**ROOMMATE:** A person(s) who is/are financially responsible for himself/themselves and living with a client of Manchester City Welfare. Persons living together as if married are expected to be responsible for each other to the extent that they are able.

**SHELTER:** A temporary housing location, which provides an individual or family with emergency housing.

**SUSPENSION:** Period of ineligibility for assistance due to noncompliance with the Manchester, N. H. Welfare Department General Assistance Guidelines. See RSA 165:1-b.

**UTILITY:** Any service such as electric, gas, oil, water or sewer necessary to maintain the health and welfare of the household.

**VENDOR/PROVIDER:** Any landlord, utility company, store or other business that provides goods or services, needed by the applicant/client.

**VERIFIABLE GOOD CAUSE:** Includes, but is not limited to a verified medical emergency, or other verified unforeseen emergency circumstances which precludes the individual from fully complying with mandated requirements.

**VOUCHER SYSTEM:** The system whereby a welfare official issues vouchers (authorizations for payment) directly to vendors rather than cash to the client(s). RSA 165:1 (III). (See "Disbursements" section of these Guidelines).

**WELFARE COMMISSIONER:** The Welfare Commissioner of the City of Manchester is an elected official [a two (2) year term] charged with operating the Welfare Department.

**WELFARE OFFICIAL:** The official of the town or city, or his/her designee, who performs the function of administering General Assistance. Such person has the authority to make all decisions regarding the granting of assistance under RSA 165.

**WORK PROGRAM:** The City of Manchester Welfare Department program established in accordance with RSA 165.

## **II. MAINTENANCE OF RECORDS**

- A.** The Welfare Commissioner is required by law to keep complete records of General Assistance in addition to general statistical records concerning the number of persons given assistance and the cost for such support. Separate case records shall be established for each individual or household applying for General Assistance.
- B.** The purposes for keeping such records are to:
  - 1. Provide a valid basis of accounting for expenditure of the City of Manchester's funds;
  - 2. Support decisions concerning the applicant's/client's eligibility;
  - 3. Assure availability of information if the applicant or client seeks administrative or judicial review of the welfare official's decision;
  - 4. Provide the welfare official with accurate statistical information, and
  - 5. Provide a complete history of a client's needs and assistance that might aid the welfare official in on-going case management and in referring the applicant(s)/client(s) to the appropriate agencies.
- C.** The welfare official shall maintain case records containing the following information:
  - 1. The completed Application For Assistance.
  - 2. Written grounds for approval, suspension, reduction or denial of an application, contained in a Notice of Decision.
  - 3. A narrative history recording the need for relief, the results of home visits, if any, collateral information, referrals and changes in status.
  - 4. The results of the verification and investigation of information.
  - 5. A tally sheet, which may be kept on paper or electronically, which has complete data concerning the type, amount and dates of assistance.
- D.** The Application For Assistance form and any documents submitted by the applicant/client to the City Welfare Department will be retained as part of the applicant/client case record and become the property of the City of



Manchester in accordance with the written Guidelines adopted by the Board of Mayor and Aldermen. RSA 165:1 II.

- E. Copies of case records will be provided to clients or their duly authorized representative. A service charge for processing the request will be assessed.

### **III. CONFIDENTIALITY OF INFORMATION**

Information given by or about an applicant for, or client of General Assistance is confidential and privileged, and is not a public record under the provisions of RSA 91-A:5 (See Appendix – N). Such information will not be published, released or discussed with any individual except when disclosure is required by law, or when necessary to carry out the purpose of RSA 165. RSA 165:2-c.

### **IV. RIGHT TO APPLY**

#### **A. Screening Process**

Individuals presenting themselves at the City of Manchester Welfare office will be processed in the manner described below. Based on the large number of individuals seeking assistance on a daily basis, the Manchester City Welfare Department utilizes a screening process to identify, expedite and prioritize emergency need(s) such as food, shelter, heat (during the winter months), utilities, and emergency medication. This process may involve the individual seeking assistance to complete a Welfare Department Contact Sheet to determine the extent of the emergency and the availability of resources and referrals. Based on the above information it may be necessary for the individual to complete the Application For Assistance and be seen by a welfare official who will conduct the intake interview.

Individuals requesting General Assistance who as a result of the screening process are not considered to be in an emergency situation will be given a Notice of Application Contact which may instruct the applicant(s) to:

1. return another day;
2. be referred to an appropriate agency or resource;
3. be provided with an appointment time to see an intake worker.

#### **B. Application Process**

1. Anyone may apply for General Assistance by appearing in person or through an authorized representative at the Manchester City Welfare office, and by completing a written Application For Assistance form. If more than one adult resides in a household, each adult is required to appear at the Welfare office to apply for assistance, unless one or more of the adults is working, or otherwise has verifiable just cause for his/her absence.
2. The Application For Assistance must be signed by all adult members of the household, when applicable. When multiple adults comprise a household seeking General Assistance from the City of Manchester Welfare Department, each adult member of the household must sign

where required on the Application For Assistance, i.e., three (3) areas on page 7 and one (1) area on page 8.

Any adult household member who cannot come into the Welfare office to sign the Application For Assistance, must sign the required areas on pages 7 and 8 where indicated and may be required to have his/her signature notarized.

3. The welfare official shall not be required to accept an Application For Assistance from a person who is subject to a suspension pursuant to RSA 165: 1b, provided that any person who contests a determination of continuing noncompliance with these Guidelines may request a Fair Hearing.
4. A client whose case has been closed must file a new application in order to be considered for assistance.
5. The application process may be deferred if an applicant appears to be under the influence of alcohol, drugs or other substances, or appears incapable of comprehending and/or completing the application/interview process.
6. An application is considered withdrawn if the applicant withdraws the application prior to the intake interview.
7. If an applicant/client refuses to sign the Notice of Decision, the applicant/client is still responsible to observe and/or fulfill the requirement(s) listed in the Notice of Decision.

#### **C. Applicant/Client Responsibilities**

### **IMPORTANT NOTICE**

**For safety and health reasons, applicants, clients and anyone accompanying them in the Department's waiting room must immediately inform the front office caseworker of all: communicable diseases; contagious diseases; infestations; and any other health hazards. These include, but are not limited to: conjunctivitis, flu, lice, bed bugs, chicken pox, hepatitis, tuberculosis, etc.**

At the time of the initial application, and as long as a client is receiving assistance or the case is open, the client shall comply with each of the following responsibilities:

1. To submit an Application For Assistance, all releases of information signed, including any supporting documentation, that is complete, accurate and truthful in all respects and to comply with all requirements set forth in each Notice of Decision, for example, client must provide proof of all household income and dated receipts for all household expenses;
2. To provide accurate and complete information without misrepresentation or omission concerning needs and resources. To cooperate fully and completely in answering all questions asked by the welfare official, including providing information regarding all legally liable relatives (RSA 165:19). Refusing to answer all

questions asked by the welfare official may result in a denial of the requested assistance.

3. To report to the welfare official, within three (3) working days, any and all changes in circumstances, particularly the receipt of any financial resources from any source;
4. To apply for and accept any benefit or resource (public or private) that reduces or eliminates the need for local General Assistance upon application and within seven (7) days after the date of the interview;
5. To cooperate fully and completely with the welfare official in verifying all information that has been provided and is necessary to determine eligibility and to notify the welfare official, within three (3) working days, of any changes which differ from the information provided on the Application For Assistance or on the Client Information Update Sheet;
6. To cooperate fully and completely with the welfare official when the welfare official(s) make(s) a home visit;
7. To keep all appointments as scheduled unless a verifiable emergency prevents keeping the scheduled appointment. In such an event, promptly providing verifiable documentation of the emergency;
8. To provide records and other required information and access to such records and information, when requested;
9. To provide the Request for Medical Information form completed by a medical doctor or physician's assistant as to the level of work that can be performed by the client if claiming an inability to work due to medical problems. Chiropractors and psychologists are not considered licensed medical providers for purposes of these Guidelines;
10. To immediately report the theft and/or loss of any money, voucher or other valuable property to the appropriate entity and/or law enforcement authority and to the welfare official with proof of the report to law enforcement;
11. To diligently search for employment;
12. To provide verifiable documentation of work search (the number of work search contacts to be determined by the welfare official), to accept employment when offered (except for documented reasons of good cause (RSA 165: 1-d), and to maintain such employment once assistance has been granted. RSA 165: 1-b, I(c);
13. To participate fully in the Welfare Work Program, if physically and mentally able. RSA 165: 1-b I (b);
14. To cooperate fully and completely with the welfare official to obtain reimbursement to the City of Manchester for assistance provided by any means authorized by law, and to notify the welfare official of any pending civil judgment(s), law suit(s), inheritance(s), financial settlement(s), insurance claim(s) and any other financial award(s);
15. To make reimbursement of any assistance granted when and if returned to income status and if such reimbursement can be made without financial hardship. RSA 165: 20-b;
16. To read and sign a copy of the "Responsibilities of Applicant/Client" document which has been provided.

**Interviews and/or appointments may be deferred if the applicant/client appears to be under the influence of alcohol, drugs or other substances, or otherwise appears incapable of comprehending/completing the application/interview process.**

A client may be suspended or denied assistance for failure to fulfill any of the above responsibilities without verifiable good cause.

Any assistance provided by the City of Manchester Welfare Department may be denied for up to six (6) months in accordance with the "Misrepresentation" section of the City of Manchester's Welfare Guidelines, and that person or persons may be prosecuted for a criminal offense, should that client obtain, or attempt to obtain, any City assistance to which they are not entitled by means of misrepresentation or false statement, impersonation or any other fraudulent act, omission or device of any kind or nature. (RSA 641:3)

**NOTE: Assistance will come to an end if a client is suspended, denied or withdraws the request for assistance. Upon subsequent request for assistance, the aid requested will not be provided retroactively.**

#### **D. Welfare Official's Responsibilities**

The welfare official shall inform the client of those pertinent sections enumerated below, when appropriate.

1. The requirement that a completed application contains all necessary information including: the applicant's signatures agreeing to the reimbursement, the signatures allowing the Department to contact all necessary sources for investigation and verification, and that they have given, read and understood (or the application has been read to them) all information. An incomplete application may be grounds for denial of assistance.
2. To describe eligibility requirements, including a general description of the Guidelines and the eligibility standard, as necessary.
3. To refer an applicant/client requiring emergency assistance to agencies or resources which have agreed to provide emergency, temporary assistance which will meet the needs of the applicant/client until an appointment can be arranged.
4. The requirement to provide the applicant/client with a scheduled appointment.
5. The responsibility of the welfare official to verify all documentation requirements made by the welfare official and provided by the applicant/client, including, but not limited to: identification for all household members, receipts for expenditures, documentation of employment, documentation of application for other programs which would reduce or eliminate the need for General Assistance, documentation of income, loss of employment and any other similar claims affecting eligibility.
6. The need to relocate to more affordable housing based on the applicant's present and projected verifiable income. Effort will be made to maintain an applicant/client in his/her own housing if it is within the department's rental allowance guidelines, unless it is clear that to do so would probably require an unreasonable period of continuing subsidy from the Welfare Department. In determining whether or not continuing subsidy is warranted the department shall consider, among other relevant factors:
  - a. efforts by the client to increase household income or obtain less expensive housing;
  - b. the applicant/client's prospects of obtaining other forms of rental assistance;

- c. special consideration will be given to helping an applicant/client residing in federally subsidized housing or other substantially below market rate housing to retain such housing.
7. The amount of assistance provided will be negotiated with vendors whenever possible. The Department will always attempt to provide what is necessary for the least cost possible. If negotiation is not possible, the least expensive appropriate alternative will be sought.
8. The Department will not pay charges, which do not directly represent an actual service, for example, late charges, security deposits, key charges, damages, eviction fees, etc.
9. The welfare official may make home visits to verify information when necessary.
10. Families or individuals currently without housing and/or income may be referred to a shelter.
11. Verification will be conducted in order to further substantiate facts and statements as presented by the applicant/client, and that this investigation will be ongoing while the case is open.
12. The client's right to request a Fair Hearing, and the process by which to do so.
13. The statutory requirement of placing liens. See "Liens" section of these Guidelines.
14. The requirement to pursue reimbursement of all assistance in accordance with RSA 165.
15. The applicant's/client's right to review the Guidelines, and the responsibilities as set forth in the Guidelines.
16. To provide the client with a copy of the "Responsibilities of Applicant/Client" document which he/she signed as set forth in the "Right to Apply" section of these Guidelines.

## **V. VERIFICATION OF INFORMATION**

The welfare official will verify all information.

- A. Verification will normally be required of, but not limited to, the following:
  1. Applicant's/client's address.
  2. Names of persons in applicant's household residential unit or family unit.
  3. Picture identification(s), birth certificate(s), and social security card(s). Immigration and Naturalization Service documentation for applicant(s) and household members, when applicable.
  4. Marriage certificate(s), divorce decree(s), child support order(s), custody papers, proof of guardianship, and physical custody of children.
  5. Applicant's/client's and household's/family unit's income and assets.
  6. Applicant's/client's and household's/family unit's financial obligations.
  7. The physical and mental condition of household/family unit members, only when relevant to their receipt of assistance, such as ability to work, determination of needs or referrals to other forms of assistance.
  8. Any special circumstances claimed by applicant.
  9. Applicant's/client's employment status and availability for employment.

10. Names, addresses, employment and financial status of legally liable relatives. RSA 165:19.
  11. Utility costs.
  12. Housing costs.
  13. Facts relevant to the applicant's/client's residence.
  14. Proof of application and/or benefits from other agencies.
  15. Any other additional information deemed necessary to be verified by the welfare official.
- B. The welfare official shall inform the client which records are necessary and that the client is required to produce these records within seven (7) days after the date of the interview.
- C. Should the applicant/client refuse to provide requested information and/or indicate an unwillingness to have the welfare official seek further information that is necessary, assistance will be denied for lack of compliance with the Guidelines.

## **VI. HOME VISITS**

A visit to the home of any applicant or client may be made whenever there is a necessity for such a visit. Such a home visit may be made to verify any information regarding the applicant/client.

The home visit shall be conducted in a professional manner. The individual(s) conducting the home visit shall not knowingly mention or discuss the application with, or within the listening area of, anyone who is not a member of the family unit or household. This confidentiality requirement shall not prevent the individual(s) conducting the home visit from providing identification upon request.

All home visits shall be upon notice and shall take place during normal business hours.

## **VII. DETERMINATION OF ELIGIBILITY**

### **A. Legal Standard and Interpretation**

"Whenever a person in any town is poor and unable to support himself/herself, he/she shall be relieved and maintained by the Overseers of Welfare of such town, whether or not he/she has residence there." RSA 165:1. For the purposes of these General Assistance Guidelines:

1. A person cannot be denied assistance solely because he/she is not a resident.
2. "Whenever" means at any or whatever times that person is poor and unable to support himself/herself
  - a. The welfare official shall be available during normal working hours.
  - b. The eligibility of an applicant for General Assistance shall be determined within 72 hours if an emergency exists (see Actions On Application Section), or seven (7) days after the date of the interview.

3. "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic needs for himself/herself or family as determined by the Guidelines.
4. "Relieved" means a person shall be assisted, as the welfare official shall determine, to meet those basic needs.
5. "Maintained" means to be continued on assistance as long as eligible.

**B. RSA 167:27 Assistance, Exclusive**

"No person receiving old age assistance or aid to the permanently and totally disabled under this chapter or RSA 161 shall at the same time receive any other relief from the state, or from any political subdivision thereof, except for medical and surgical assistance, and the acceptance of such relief shall operate as a revocation of old age assistance or aid to the permanently and totally disabled..."

**C. Eligibility Standards**

1. **Minors** - Minor applicants shall be referred to Protective Services of the Division of Children, Youth, and Families for case management. Minors have the residence of their parent(s) or legal guardian(s). Minors are the financial responsibility of their parent(s) or legal guardian(s). A minor who is married is considered an adult.
2. **Eligibility for Other Program Assistance** - A client, who may be eligible for any other assistance programs, must apply for such assistance immediately, but no later than seven (7) days after being required to do so by the welfare official. Failure to do so may result in the suspension of assistance.
3. **Employment** - A person who is employed full time, but whose income and assets are not sufficient to meet basic needs expenses, may be eligible to receive General Assistance. However, a client who without verifiable good cause refuses a job offer or referral to employment, participation in the Welfare Work Program (RSA 165:31), or who voluntarily leaves a job (RSA 165:1 d) may be ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in these Guidelines. The welfare official shall first determine whether there is verifiable good cause for such refusal, taking into account the ability and physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health or safety, or the lack of adequate child care. These employment requirements shall extend to all adult members of the household/family unit.
4. **Work Search** – Immediately upon being granted assistance all unemployed clients and adult members of their household, when applicable, shall pursue all available means of securing employment and within seven (7) days after having been granted assistance, shall provide proof that they are pursuing all available means of securing employment in accordance with the Applicant/Client Responsibilities listed in the "Right to Apply" section of these Guidelines. These work search requirements apply unless the client or other adult member of the household is:
  - a. Employed full-time.

- b. A dependent eighteen (18) years of age or under who is regularly attending school.
  - c. Unable to work due to illness or to a mental or physical disability of himself/herself verified by a licensed medical provider's note.
  - d. Unable to work due to the necessity to care for a disabled family/household member verified by a licensed medical provider's note.
  - e. In a multi-adult family/household only one (1) adult will be exempt from the work search due to caregiver responsibilities.
5. **Voluntary Quit Law** - A client who voluntarily terminates employment shall be ineligible to receive assistance pursuant to the provisions of RSA 165:1-d.
6. **Students** - Clients enrolled in General Equivalency Diploma (GED) or higher education programs must be employed full time or be available for full time employment; participate in the Department's Welfare Work Program, and/or undertake a diligent, verifiable job search, as assigned by the welfare official to be considered eligible for General Assistance. Full time students are usually considered ineligible as their schooling prevents them from meeting these requirements.

#### **D. Available Assets**

1. **Available Liquid Assets** - See Definitions section of these Guidelines. All readily available liquid assets shall be converted immediately. For all other available liquid assets, the welfare official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property, which shall not be considered as available assets.
2. **Motor Vehicle Possession**- Possession of a new vehicle, luxury vehicle, or multiple motor vehicles is usually considered as a liquid asset and may be required to be converted to cash prior to eligibility for anything other than an extreme emergency.
3. **Insurance** - The ownership of life insurance policies could affect eligibility. When a policy has cash or loan value, the client will be required to obtain and/or borrow all available funds, which shall then be considered available assets. Premium payment shall not be included as "need" in determining eligibility or amount of aid. Motor vehicle insurance premiums and/or SR22 insurance premiums are not normally included as "need" in determining eligibility or amount of aid.
4. **Real Estate** - The type and amount of real estate owned by a client may not affect eligibility, although rent or other such income from property should be considered as available to meet need. A client owning real estate property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. A client shall be informed that a lien covering the amount of any General Assistance received shall be placed against



any real estate he/she owns. (RSA 165:28). The welfare official shall not make mortgage payments when the client has a co-signer on the note.

5. **Property Transfers** - No person who is otherwise eligible for assistance under this chapter shall receive such assistance if he/she has made an assignment, transfer or conveyance of property for the purpose of rendering himself/herself eligible for assistance within three (3) years immediately preceding his/her application. RSA 165:2b.

#### **E. Standard of Need – Basic Needs Policy**

**NOTE:** A client must first and foremost utilize resources for basic needs: which are: rent, food (minus Food Stamp Allotment), cleaning and personal hygiene items, utilities, prescriptions, diapers, and gas for a vehicle (when vehicle is used for medical and work purposes only). Documented child care costs and court ordered child support payments may be considered. Clients must provide legitimate dated and signed receipts. Credit card payments, rent-to-own items, cable service, Internet service, repayment of personal loans, payment of traffic citations, bail, court fines and court ordered restitution are examples of non-basic needs. The above-cited examples are not all inclusive of non-basic needs. Any income used for basic needs must be accounted for with legitimate dated receipts. Any income used for non-basic needs and/or unaccounted for will be considered available when determining eligibility.

The basic financial requirement for General Assistance is that a person be unable to support himself/herself and has insufficient available income/assets to provide payment for any of the following:

##### **1. Rent/Mortgage**

The amount to be included for housing is the cost of rent or mortgage to provide shelter.

- a. Rental assistance is determined by the client's ability to afford housing based on present and projected verifiable income.
- b. Arrearages are not normally included. The welfare official may assist in the least costly manner, or may provide alternate means to accommodate the health and safety of the household unit.
- c. Whenever a relative of a client is also the landlord for the client, that landlord will be presumed able to assist his/her relatives pursuant to RSA 165:19, and must prove an inability to assist before any aid payment for shelter is made.
- d. In cases in which the City of Manchester has made an appropriate referral for emergency temporary shelter and the applicant/client refuses to accept such a referral, the City will not be liable for alternative housing, but may consider other forms of assistance to which he/she is otherwise eligible.
- e. Rental/mortgage assistance may be denied for any period in which the client(s) is/are not occupying the housing. The necessity for the absence from the housing will be considered when determining eligibility. While rental/mortgage assistance during hospitalization

may be considered, absences for vacation or other non-essential purposes will not.

## 2. Utilities

When utility costs are not included in the rent/mortgage expense, the client's most recent monthly utility bill will be included by the welfare official in determining the standard of need. Arrearages will not normally be included, except as set forth below. Utilities must be in the client's legal name in order for the welfare official to render assistance.

- a. Arrearages – May be included when deemed necessary to insure the health and safety of the client household/family unit or to prevent termination of utility service.
- b. Restoration of Service - When utility service has been terminated and the welfare official has determined that alternative utility service is not available and alternative shelter is not feasible, the welfare official may pay the current bill and/or may attempt to arrange a repayment plan entered into by the client and the utility company to restore service. If applicable, the welfare official will negotiate with the utility company to pay the least amount possible towards the sum of the arrears owed by the client.

**NOTE: The Welfare Department will abide by the current Chapter PUC 1200 Rules and Regulations for NH UTILITIES enforced by the STATE OF NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION.**

## 3. Shelter

- a. In cases in which the welfare official has made an appropriate referral for emergency shelter, and the applicant/client refuses to accept such a referral, the welfare official at that time is under no obligation to pay for alternative housing/shelter.
- b. If the client fails to comply with Notice of Decision requirements and/or the Guidelines, all assistance, including his/her shelter stay, can be suspended in accordance with the Notice of Adverse Action section of these Guidelines. Information may be provided to the client so that he/she may pursue alternate shelter.
- c. If the client fails to comply with Notice of Decision requirements and/or the Guidelines, all assistance, including his/her shelter stay, can be denied in accordance with the Notice of Adverse Action section of these Guidelines. Information may be provided to the client so that he/she may pursue alternate shelter.

## 4. Food

The amount allowable for food purchases will be in accordance with the most recent standard food stamp allotment, as determined under the food stamp program administered by the New Hampshire Department of Health and Human Services. The food stamp allotment may be modified if a licensed medical provider has stated in writing that one or more members of the household requires a special diet, the cost of which is greater than can be purchased with the client's allotment of food stamps.

**5. Telephone**

A telephone or cell phone is not considered a basic need, however if the absence of a phone would create a significant risk to the client's health or safety (verifiable in writing by a licensed medical provider) or for other verifiable good cause as determined by the welfare official, the lowest available basic monthly rate will be allowed. The phone service must be in the legal name of the applicant/client.

**6. Transportation**

If the welfare official determines that transportation is necessary (e.g., for medical reasons, to maintain employment, to comply with conditions of assistance, or to return a person to his/her residence pursuant to RSA 165:1-c), the cost of public transportation will be allowed unless alternative arrangements (taxi, care givers, etc.) are made by the welfare official that minimize the cost to the City.

The purchase/rental/leasing costs and maintenance of a necessary vehicle must be appropriate to the client's current and projected income. The possession of one motor vehicle by a client or his/her dependent(s) does not affect eligibility if it is essential for: medical or rehabilitation services, transportation to and from employment, or it is essential for use necessary to the maintenance of the individual or family. Essential means that there is no other transportation available.

**7. Maintenance of Medical Insurance**

In the event that the Welfare Commissioner or his designee determines that the maintenance of medical insurance is essential, a client may be allowed the reasonable cost of such premiums.

**8. Other Expenses**

In the event that the client has the following current expenses, the cost shall be considered when determining eligibility and amount of assistance:

- a. **Medical Expenses** - The welfare official shall not include nor provide payment for medical, prescription, dental or eye services unless the client or applicant can verify that all other resources have been pursued and exhausted, and that there is no means of assistance other than local Welfare. (Other resources include, but are not limited to state and federal programs, local and area clinics, area service organizations and area hospital programs designed for such needs.) When a person applies for medical service, dental service or optometry / ophthalmology service to the local welfare official, he/she must provide written documentation from a licensed medical provider in the area, indicating that these services are absolutely necessary and cannot be postponed without

creating a life threatening situation. The welfare official may accept oral verification from the provider, but shall require written confirmation. Whenever possible, the client will seek service from a Medicaid licensed medical provider. If advance payment is required for such medical services, the welfare official may approve payment of the fee up to the reimbursable amount established for the procedure by the New Hampshire Medicaid Program. Any medical expenses exceeding \$500.00 require pre-approval by the Welfare Commissioner or his designee.

- (1) Prescriptions – Generic medications must be used unless specified otherwise by a licensed medical provider. The City of Manchester Welfare Department will not normally authorize assistance for medications which would not meet the criteria of treating a diagnosed life threatening medical condition or illness, including, but not limited to, birth control medication and devices, addiction cessation products and programs, etc.
- (2) Dental – The City of Manchester Welfare Department may provide payment for emergency extractions when all other resources have been pursued and exhausted.
- (3) Hospitalization – The City of Manchester Welfare Department does not provide payment for hospitalization or any other medical services incurred without written prior authorization from the welfare official.

b. **Legal Expenses**

No legal expenses will be included except for those specifically required by statute.

c. **Clothing**

If the applicant/client has an emergency clothing need which cannot be met in a timely fashion by other community resources (e.g., Salvation Army, Red Cross, church groups, etc.), the cost of the emergency clothing need will be included.

d. **Miscellaneous**

Normally, cost to prevent repossession of any kind, vehicle payments, vehicle registration or licensing costs, and moving expenses, and any other non-essential expenses as determined by the welfare official shall not be considered allowable expenses. Storage charges and household items are not a basic need and are normally not considered an allowable expense. Decisions regarding storage charges and household items are made on a case by case basis.

e. **Home Ownership Expenses**

Where the client owns a home and is otherwise eligible for assistance, payment for property taxes, homeowner insurance, sewer/water fees and essential repairs may be made as deemed necessary by the Welfare Commissioner or his designee to prevent foreclosure, preserve the home, and maintain the health and safety of the client. A lien shall be placed on the property according to RSA 165:28. The welfare

official shall not make mortgage payments when the client has a co-signer on the note.

## 9. Shared Expenses

- a. If the client's household/family unit shares shelter, utility, or other expenses with a non-applicant/client (i.e., is part of a residential unit), then "need" should be determined on a pro-rata share, based on the total number of adults in the residential unit and that all pro-rata expenses have been verified to be current (e.g., three (3) persons in a residential unit, but only one applies for assistance. Shelter need is 1/3 of shelter allowance for a household of three (3) persons).
- b. Personal arrangements between two or more parties concerning financial agreements, e.g., rent, food, utilities, medication, loaning of money, or other goods and services (bartering) which is being rendered by one party to the other party are not normally recognized as allowable expenses when determining eligibility for assistance (basic needs).

**NOTE: Payment Level Determination.** The payment level for any particular allowable expense shall be based on local market conditions and costs. The payment levels shall be reviewed by the Welfare Commissioner, and if warranted, will be updated to reflect changes in the market.

## F. Income

In determining eligibility and the amount of assistance, the applicant's/client's standard of need, as determined under Section D-"Available Assets" of these Guidelines, shall be compared to the available income/assets. The following items will be included in the computation:

1. Earned Income - Income in cash, tips, or in-kind earned by the applicant/client or any member of his/her family or household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rental income and business profits are included in this category. With respect to self-employment, subtracting business expenses from gross income in accordance with standard accounting principles as reported on the client's 1099 form will be considered when determining eligibility. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law. Child care costs, court ordered support payments and work-related clothing costs will be deducted from income when made through payroll deduction. Garnished wages not available to the client or his/her dependents will not be included as income.
2. Income or Support From Other Sources - Contributions from relatives, other household members or other sources shall be considered as income. The income of non-household members paid to the client shall be counted as income.
3. Income From Other Assistance or Insurance Programs -
  - a. State categorical assistance benefits, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government and/or private sources shall be considered income.

- b. Food Stamps cannot be counted as income pursuant to federal law. 7 USC 2017 (b).
- c. Fuel Assistance also cannot be counted as income pursuant to federal law. 42 USC 8624 (f) (1).
- 4. Court-Ordered Support Payments - Alimony and child support shall be considered income only if actually received by the client.
- 5. Income from Other Sources - Tax refunds, payment from pension and trust funds and any other financial resources shall be considered income. Any income actually available to the client from members of his/her household shall be considered as income.
- 6. Deemed Income - The welfare official shall deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII, as set forth in RSA 165:1-e. When a client receiving benefits through the Division of Human Services is sanctioned by a reduction in benefits for noncompliance, the amount of income considered available would be the amount the client was receiving prior to the sanction.

#### **G. Residents of Domestic Violence Shelters**

An applicant/client residing in a shelter for victims of domestic violence who has income, and/or owns resources jointly with the abusive member of the applicant's/client's household, shall be required to cooperate with normal procedures for purposes of verification. Such resources and income may be excluded from eligibility determinations unless the applicant/client has safe access to joint resources. The normal procedures taken in accordance with these guidelines to recover assistance granted shall not delay such assistance.

An applicant/client required to leave a domestic violence shelter will be provided with the telephone numbers of the Domestic Violence Hotline and/or the Homeless Hotline so that the person may pursue alternate safe shelter.

#### **H. Long-Term Treatment Programs**

Organizations administering long-term programs that treat individuals to overcome addictions **and restrict the individuals from working while in such a program are totally responsible for the individuals' basic needs.** Individuals participating in long-term treatment programs cannot be referred to the Welfare Department for assistance. By accepting individuals into their long-term programs, organizations affirm a financial commitment to support the individuals while the individuals are in such programs.

### **VIII. MISREPRESENTATION**

Misrepresentation of information by a client is grounds for denial of all City assistance for up to six (6) months. Misrepresentation of information by a client may result in prosecution.

## **IX. ACTIONS ON APPLICATIONS**

### **A. Decision**

The welfare official has up to seven (7) days after the date of the interview to make a decision concerning client eligibility. A written Notice of Decision shall be delivered or mailed on the same day or next working day following the making of the decision. The Notice of Decision shall specify the type and amount of assistance issued, the time period covered, the required documentation to be provided by the client at the next appointment, or that the request(s) is/are pending, approved, suspended or denied. The Notice of Decision identifies the adverse action(s) upon which the client has the right to request a Fair Hearing.

### **B. Emergency Assistance**

1. At the time of initial contact, if the applicant/client demonstrates and verifies that an immediate need exists in which the threat to life or health (such as loss of shelter, heat sources in winter, lack of food or prescriptions which are an immediate medical necessity), then temporary aid to fill such immediate need(s) shall be given no later than seventy-two (72) hours from the time of the request. If a determination regarding utility assistance cannot be made immediately, a referral to shelter can be offered until such time as eligibility can be determined. Such emergency assistance shall not obligate the welfare official to provide further assistance after the application process is completed.
2. When an applicant/client submits a completed application for assistance with a Notice to Quit for non-payment of rent, prior to the date on which the Notice to Quit expires, the welfare official shall make a reasonable effort to:
  - a. process the application/request in a manner which, if determined eligible and assistance is granted, would enable the applicant/client to tender a voucher in the amount necessary to defeat eviction by the day the Notice to Quit expires: or
  - b. obtain a commitment from the landlord that he/she will agree to accept welfare assistance paid on behalf of the applicant/client and will wait for a decision from the Welfare Department and not pursue the eviction unless a specified date following the expiration of the Notice to Quit passes without the landlord receiving a commitment to pay from the department.
  - c. In no case shall the decision on the application for rental assistance to cure a Notice to Quit for non-payment of rent be issued later than 72 hours from the time of the application or by the date of the expiration of the Notice to Quit, whichever is later.
  - d. This process does not apply to a client who is presently in the suspension or denial status.

### **C. Temporary Assistance**

In emergency circumstances where required records are not available, the welfare official may give temporary assistance to an

applicant/client pending receipt of required documents. Temporary status shall not extend beyond one week.

**D. Withdrawn Application**

An application is considered withdrawn if the applicant withdraws the application prior to the intake interview.

**E. Withdrawn Request**

A request is considered withdrawn if during the intake interview or at any other appointment, the client indicates that he/she has changed his/her mind and does not want assistance. A Notice of Decision would be issued indicating that the request for assistance has been withdrawn and that the case will be held open for six (6) months during which time the client must use his/her funds for basic needs and that the client is to contact the Welfare Department if he/she reconsiders requesting assistance.

**X. DISBURSEMENTS**

- A. The City of Manchester pays vouchers directly to vendors up to the dollar amount designated on the voucher, or for the actual amount listed on an itemized bill or register tape if less than the voucher amount. The City of Manchester will not pay any amount in excess of the amount listed on the voucher. Alterations, reproductions and/or misuse of vouchers will be reported to the appropriate law enforcement agency(ies). A client must sign the voucher and present valid identification to insure proper usage. Tobacco products, alcoholic beverages, pet food, magazines, plants, cards, and children's toys cannot be purchased with Food, Miscellaneous and Diaper vouchers. Prohibited food and miscellaneous items are listed on the bottom of the Food, Miscellaneous and Diaper voucher. It is the responsibility of the client to safeguard from theft, loss or misuse of any voucher he/she receives. No replacement voucher will be issued if the original is lost, stolen, misplaced, or misused unless authorized by the Commissioner or his designee.
- B. All disbursements will be in the form of vouchers or checks directly payable to the vendor providing the service, and in accordance with the general regulations below:
1. Rent may only be made payable to the owner of the property unless the Department is in receipt of a notarized Agent Authorization Form supplied to the client by the Department which allows otherwise. No rent payment will be made until a Landlord Form generated by the Department has been completed. Forms not generated by this Department will not be honored. Only property owners or authorized agents as noted above will be recognized as having the authority to complete the Landlord Form. To be issued payment, the vendor must be on the City of Manchester's vendor file. To be placed on this file, the vendor must supply the Welfare Department with a completed current W-9 form and any other documentation required by the City's Finance



Department. **Vouchers for rental payment will be made to landlords who possess a current Certificate of Compliance issued by the City Building Department where required by Ordinance.**

2. The rental assistance form is to be considered a legal document upon which the Department relies in determining eligibility. The information must be accurate and true. Forms which misrepresent or inaccurately report information for the purposes of obtaining assistance which otherwise may not be issued will be grounds for stopping payment. Legal action may also be taken. Vouchers must be used within the time period as stated on the voucher. Stores allowing prohibited items to be purchased will not be reimbursed for those items. All stores receiving Food, Miscellaneous and Diaper Vouchers must attach the cash register tape to the voucher in order to be reimbursed. Only the amount used will be reimbursed.
3. All vouchers are one time only, each voucher requires an individual approval.
4. The vendor has sixty (60) days in which to return the voucher for payment. None will be honored after that time. Vouchers exceeding \$1,000.00 need approval of the Commissioner or his designee.

**C. Revocation of Assistance Granted**

A voucher previously issued, but not yet paid, may be revoked and voided under certain circumstances. If facts are discovered that would negate such issuance, or fraud is determined, the voucher will be cancelled promptly. If the voucher has been processed for payment, the client will be contacted to immediately reimburse the Welfare Department. If fraud is involved, the facts surrounding the matter will be given to the appropriate law enforcement authorities for action. The revocation of assistance is not meant to replace the suspension process for issues of noncompliance.

**XI. WELFARE WORK PROGRAM**

**A. Participation**

Any client receiving General Assistance who is able to work but is not gainfully employed full time may be required to work for the City of Manchester or an appropriate local service agency at any available bona fide job that is within his/her capacity (RSA 165:31) for the purpose of reimbursement of assistance received. Participants in the Work Program are not considered employees of the City of Manchester, and any work performed by the Work Program participants does not give rise to any employee-employer relationship between the Work Program participant, Work Program agency and the City of Manchester.

**B. Reimbursement Rate**

The Work Program participant shall be allotted the prevailing municipal wage for work performed, but in no case less than the minimum wage. No cash compensation shall be paid for Work Program participation; the wage value of all hours worked shall be used to reimburse the City of Manchester for assistance given. No Work Program participant shall be required to work more hours than necessary to reimburse aid rendered. The reimbursement

rate shall be reviewed by the Welfare Commissioner, and if warranted, will be updated to reflect changes in the market.

**C. Continuing Financial Liability**

If, due to the lack of available work or other verifiable good cause, a client does not work a sufficient number of hours to fully reimburse the City of Manchester for the amount of his/her aid, the amount of aid received less the value of the Work Program hours completed shall still be owed to the City of Manchester.

**D. Allowance for Work Search**

The City shall provide reasonable time during working hours for the Work Program participant to conduct a documented employment search, as determined by the Welfare Official.

**E. Work Program Attendance**

With prior notice to the welfare official, a client may be excused from Work Program participation if he/she provides verifiable documentation that he/she:

1. Has a conflicting job interview;
2. Has a conflicting interview at a service or welfare agency;
3. Has a medical appointment or illness, as verified by a licensed medical provider;
4. As a parent or person "in loco parentis" must care for a child under the age of five (5). A client responsible for a child age five (5) but under twelve (12) shall not be required to work during hours the child is not in school, if there is no responsible person available to provide care, and no other care is available;
5. Is unable to work due to mental or physical disability, as verified by a licensed medical provider;
6. Must remain at home because of illness or disability to another member of the household, as documented by a licensed medical provider; or
7. Does not possess the materials or tools required to perform the task and the City of Manchester fails to provide them.

**F. Work Program Hours**

Work Program hours will be assigned by the Work Program Coordinator and the Work Program site supervisor. Failure of the participant to adhere to the agreed Work Program hours (except for the reasons listed above) will result in a suspension of assistance. Work performed outside of assigned hours is not authorized by the City of Manchester Welfare Department and is outside the jurisdiction of the City of Manchester's Work Program, therefore it will not be covered by Workers' Compensation, nor will it reduce the reimbursement obligation to the City.

**G. Workers' Compensation**

The City of Manchester shall provide workers' compensation coverage to participants in the Work Program in accordance with New Hampshire Revised Statutes Annotated. See RSA 281:a.

**XII. NOTICE OF ADVERSE ACTION**

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes clients of General Assistance whose aid has been denied, suspended or reduced.

**A. Suspension For Noncompliance With The Guidelines**

1. Compliance - A client must comply with these Guidelines and requirements of each Notice of Decision. Welfare officials must enforce the Guidelines while ensuring that each client receives due process. Each client will be given a Notice of Decision listing the requirements for eligibility and be advised that noncompliance may result in suspension, denial or reduction of assistance. In order to be eligible or remain eligible, a client will be given a seven (7) day period within which to comply.
2. Requirements - Any person otherwise eligible for assistance shall become ineligible under RSA 165:1 b if he/she fails to comply with the requirements of the Notice of Decision and/or the Guidelines as delineated in "Applicant/Client Responsibilities" section.
3. Noncompliance - If a client fails to come into compliance after the seven (7) day period, or persists in noncompliance, the welfare official shall give the client a Notice of Suspension.
4. Notice of Suspension -Written notice to a client that he/she is suspended from assistance due to failure to comply with the requirements in a Notice of Decision. The Notice of Decision shall include:
  - a. A list of the requirements with which the client is not in compliance and a description of those actions necessary for compliance;
  - b. The period of suspension (see paragraph B below);
  - c. Notice of the right to request a Fair Hearing to address the reason(s) for noncompliance and that such request must be made in writing on a form provided by the Welfare Department and presented to the welfare official or a Welfare Department staff member within five (5) working days of receipt of the Notice of Suspension; a statement that if assistance is currently being received it may continue upon request until the Fair Hearing decision is made. However, if the client fails to prevail at the Fair Hearing, the suspension will start after the Fair Hearing decision and such aid must be repaid by the client.

## **B. Suspension Periods**

1. Seven (7) Day Suspension - The initial period of ineligibility for failure to comply with the Notice of Decision and/or the Guidelines. If a client has had a prior suspension within the past six (6) months, and again fails to comply with the Guidelines, the period of ineligibility will be fourteen (14) days.
2. Fourteen (14) Day Suspension - The period of ineligibility for continued noncompliance after the seven (7) day suspension has expired.
3. On-going Suspension - Continued noncompliance after the fourteen (14) day suspension period has expired will result in continued ineligibility until the client complies with the Notice of Decision and/or the Guidelines. A client whose suspension has continued for six (6) months due to noncompliance may file a new application after six (6) months of not requesting financial assistance from Manchester City Welfare.
4. Compliance After Suspension - A client who has been subject to a suspension and who has now complied shall have his/her assistance initiated or resumed after the period of ineligibility, provided he/she is still otherwise eligible. The Notice of Decision stating that assistance has been initiated or resumed should again set forth the actions required to remain eligible for assistance, but need not provide a seven (7) day period for compliance unless new requirements have been imposed.
5. Required Compliance With Guidelines - The failure of a client to comply with Guideline IV.C. Responsibilities of Applicant/Client in a manner, which the client cannot correct, will not be used for suspending a client from eligibility to receive assistance on more than one occasion. Failure of a client to comply with the same guideline responsibility(ies) during different periods of time, during which the client is given the opportunity to comply, may be the basis for more than one suspension. Failure to comply with a guideline responsibility(ies) when a client is able to do so despite past failure to comply shall also be the basis for more than one suspension.

## **C. Denial of Assistance**

1. Denial for non-cooperation - A client who fails to cooperate fully and completely in answering all questions asked by the welfare official may have the request for assistance denied.
2. Denial for misrepresentation/omission - Misrepresentation/omission of information by a client is grounds for denial or termination of all City assistance for up to six (6) months and may result in prosecution.
3. Other - A denial of assistance and/or a reduction in the amount of assistance provided will occur when the welfare official determines that such action is necessary. The reasons for denial or reduction typically include, but are not limited to: the client's ability to meet their own need(s) based on available income/resources, the request is for a non-basic need, a client's misuse of his/her income/resources, or that rent is unaffordable and/or over the Department's rental allowance guidelines.

### **XIII. FAIR HEARINGS.**

#### **A. Requests And Time Limits For Hearings**

1. A client may only request a Fair Hearing based on the receipt of an adverse action on a Notice of Decision. A client requesting a Fair Hearing must complete the City of Manchester Welfare Department's Fair Hearing Request form (Form 1007A). The form must be completed by the client or any person duly authorized to act on his/her behalf. A completed Fair Hearing Request form submitted to the welfare official indicates that the client wants an opportunity to present his/her case to a Fair Hearing Officer to contest a notice of adverse action made by the welfare official. A request for a Fair Hearing must be received within five (5) days starting with the date of the Notice of Decision at issue.
2. Fair Hearings requested by claimants must be held within seven (7) working days of the receipt of the request. The welfare official shall give notice to the claimant setting forth time and location of the hearing. The notice must be given to the claimant at least forty-eight (48) hours in advance of the hearing or mailed to the claimant's last known address at least seventy-two (72) hours in advance of the hearing.

#### **B. Fair Hearing On Continuing Noncompliance**

A client who is under suspension for continuing noncompliance with the notices of adverse action may request a Fair Hearing to determine whether or not he/she has satisfactorily complied. No assistance shall be available under 165:1-b,VI. The burden of proof lies with the claimant to show that he/she has complied with the requirements set forth in the notices of adverse action.

#### **C. The Fair Hearing Officer**

The Fair Hearing Officer shall be assigned by the Welfare Commissioner or his designee. The Fair Hearing Officer presiding over the Fair Hearing request must:

1. Not have participated in the decision being contested.
2. Be impartial.
3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination.
4. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the welfare official operated and to interpret to welfare officials any evidence of unsound, unclear practices, or actions.

**NOTE:** The Welfare Commissioner or his designee will contact qualified professionals from New Hampshire, and get a commitment from them to be available to preside over our Fair Hearing cases.

**D. Fair Hearing Procedures**

A Fair Hearing Officer shall be appointed to review the case record or other material relating to the appeal. The decision of the Fair Hearing Officer must be based on the case record, RSA 165 and these Guidelines. Evidence, both written and oral, which is admitted at the hearing, shall be limited to facts pertaining to the claimant's appeal. The Fair Hearing Officer shall not review the case record or other materials prior to their introduction at the Fair Hearing.

1. All Fair Hearings shall be conducted in such a manner as to ensure that both parties are treated impartially. Fair Hearings shall not be conducted according to strict rules of evidence. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.
2. The claimant must complete a "Power of Attorney, General" form (see Appendix – K) and provide the completed form to the welfare official if the claimant desires to be represented by another at the Fair Hearing. If a claimant has submitted a completed "Power of Attorney, General" form to the welfare official and then decides to revoke the power of attorney, the claimant must submit a completed "Power of Attorney, Revocation" form (see Appendix – L) to the welfare official.
3. The welfare official responsible for the disputed decision and/or duly authorized representative(s) shall attend the Fair Hearing and testify to the reasons his/her actions were taken.
4. The parties may stipulate to any facts.
5. A claimant has the right to examine, prior to the Fair Hearing by appointment only, all records, papers and documents from the claimant's case record related to the adverse action pertaining to the Fair Hearing request.
6. The welfare official and/or duly authorized representative(s) shall have the right to examine prior to the Fair Hearing all records, papers and documents on which the claimant and/or his/her duly authorized representative(s) plan(s) to rely on at the Fair Hearing.
7. Both parties must disclose all new evidence which is to be introduced at the Fair Hearing that is not contained in the case record, no later than one (1) working day before the scheduled Fair Hearing. Failure to adhere to this time frame will prohibit the introduction of such evidence.
8. Both parties shall be given the opportunity to offer evidence and explain their positions fully and completely. The claimant shall have the option, with the aid of others, to bring witnesses, to establish all pertinent facts, to advance any arguments without undo interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses. The welfare official and/or his/her duly authorized representative shall have the same rights as those enumerated above for the claimant.
9. Any claimant may withdraw his/her request for a Fair Hearing at any time up to the time of the Fair Hearing in writing using the Department's Fair Hearing Request Withdrawal form.

10. **REQUESTS FOR POSTPONEMENTS**

A claimant who has verifiable good cause to request a postponement of a scheduled Fair Hearing shall contact the welfare official at the earliest possible time prior to the Fair Hearing. Upon receiving documentation deemed by the welfare official to be verifiable good cause, the Fair Hearing will be rescheduled at the earliest available date. A claimant shall provide documentation of such verifiable emergency circumstances to the welfare official within three (3) working days of the date that the request for postponement has been made. Claimants are entitled to only one (1) such postponement per Fair Hearing request.

**VERIFIABLE GOOD CAUSE**

Shall include, but not be limited to, a verified medical emergency, or other verified unforeseen emergency circumstances, which precludes the claimant from attending the Fair Hearing.

**REQUESTS FOR POSTPONEMENT PRIOR TO THREE (3) DAYS OF THE FAIR HEARING DATE**

If a claimant requests a postponement earlier than three (3) working days of the Fair Hearing date, and documentation deemed by the welfare official to be verifiable good cause is not provided to the welfare official within the three (3) working days, the scheduled Fair Hearing date will be honored.

If the claimant provides documentation deemed by the welfare official to be verifiable good cause within the three (3) working days, the Fair Hearing will be rescheduled at the earliest available date.

**REQUESTS FOR POSTPONEMENT WITHIN THREE (3) DAYS OF THE FAIR HEARING DATE**

If a claimant makes a request for postponement within three (3) working days of a Fair Hearing date, the scheduled Fair Hearing will be held in abeyance pending receipt of documentation deemed to be verifiable good cause by the welfare official. The documentation must be provided to the welfare official within three (3) working days of the date of the request for postponement.

If the claimant provides documentation deemed by the welfare official to be verifiable good cause within the three (3) working days, the Fair Hearing will be rescheduled at the earliest available date.

If the claimant does not provide documentation deemed by the welfare official to be verifiable good cause within the three (3) working days, the Fair Hearing will not be rescheduled and the request for the Fair Hearing shall be deemed to be withdrawn by the claimant. The notice of adverse action at issue will be upheld.

11. A claimant who fails to appear for any scheduled Fair Hearing shall be deemed to have lost his/her appeal by default.

12. None of the Fair Hearing procedures specified herein shall limit any right of the claimant to subsequent court action to review or challenge an adverse Fair Hearing decision.

#### **E. Decisions**

1. Fair Hearing decisions shall be rendered within seven (7) working days of the hearing. Decisions shall be in writing, setting forth the reasons for the decision. Fair Hearing decisions will be rendered on findings of fact, RSA 165 and these Guidelines. A copy of the decision shall be mailed or delivered to the claimant and to the welfare official.
2. The Fair Hearing decision will determine which party prevails. If the claimant prevails, the welfare official shall set forth the appropriate relief based on the Fair Hearing decision. If the Welfare Department prevails at the Fair Hearing, the assistance given pending the Fair Hearing shall be a debt owed by the individual(s) to the City of Manchester.
3. The Welfare Department shall keep all Fair Hearing decisions on file in chronological order.
4. A claimant and/or his/her authorized representative who fails to appear for any scheduled Fair Hearing within 15 minutes after its scheduled starting time without verifiable good cause shall be deemed to have lost his/her appeal by default and shall be notified of such default judgment in writing by the Fair Hearing Officer.

#### **XIV. RECOVERY OF ASSISTANCE**

The welfare official shall seek to recover money expended to assist a former client and/or a current client in accordance with RSA 165:25.

##### **A. Recovery from Legally Liable Relatives**

The amount of money spent by a municipality to assist a client who has legally liable relatives of sufficient ability to also support the client, may be recovered from those legally liable relatives. Sufficient ability shall be deemed to exist when relatives' weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. The welfare official may determine that "in kind" assistance or the provision of products/services to the client is acceptable as a relative's response to liability for support. Written notice of money spent in support of a client must be given to the legally liable relatives. The welfare official shall attempt to give such written notice prior to the giving of aid, but aid to which a client is eligible under these Guidelines, shall not be delayed due to inability to contact potentially legally liable relatives. Inability to contact potentially legally liable relatives must not be the result of clients' failure to provide the information. See RSA 165:19.

##### **B. Recovery from the Municipality of Residence**

The welfare official shall seek to recover from the municipality of residence the amount of money spent by the City of Manchester to assist a client who has a residence in another municipality. Written notice of the money spent in support of a client must be given to the welfare official of the municipality of residence. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:19 and 20. (See RSA 165:20-a providing for arbitration of such disputes between communities.) The procedure followed will be in accordance with RSA 165:19, RSA 165:20 and RSA 165:20-a.



**C. Recovery From Former/Current Client's Income**

A former/current client who is returned to an income status after receiving assistance may be required to reimburse the municipality for the assistance provided, if such reimbursement can be made without financial hardship. The procedure followed will be in accordance with RSA 165:20-b.

**D. Recovery From State and Federal Sources**

The amount of money spent by a municipality to support a client who has applied for SSI and has signed NHH&HS FORM 151 "AUTHORIZATION FOR REIMBURSEMENT OF INTERIM ASSISTANCE" shall be recovered through the SSA and the New Hampshire Department of Health and Human Services. Prescription expenses paid by the municipality for a client who has applied for Medicaid can be recovered through the New Hampshire Department of Health and Human Services if and when the client is approved for medical coverage.

**XV. LIENS**

**A. Real Estate**

In accordance with RSA 165:28 a lien for General Assistance received may be placed on any real estate owned by an assisted person except for verifiable just cause approved by the Welfare Commissioner or his designee.

**B. Civil Judgments (RSA 165:28a)**

The City of Manchester shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement, or a civil judgment for personal injuries awarded any person granted assistance by the City of Manchester under RSA 165 for the amount of assistance granted by the City of Manchester. See RSA 165:28a.

**XVI. APPLICATION OF RENTS PAID BY THE CITY OF MANCHESTER**

- A. Whenever the owner of property rented to a person receiving assistance from the City of Manchester is in arrears in sewer, water, tax payments or other debts owed to the City, the City may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. (RSA 165:4-a)
- B. A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. (RSA 165:4-a)
- C. Delinquent property tax balances will be first priority, followed by delinquent sewer/water balances and other City-owed debts.

## **XVII. BURIALS/CREMATIONS**

The welfare official shall provide for burial or cremation of **eligible persons** found in the City of Manchester at time of death. In such cases where the deceased, at the time of death, had a residence in another city, town or state, the next of kin or other responsible party will be referred to contact the appropriate agency. In cases where the deceased was a resident of Manchester, the next of kin or other responsible party must apply for assistance on behalf of the deceased. **The application must be made before any burial or cremation expenses are incurred.** Payment for burial/cremation is limited to \$750.00 on total expenses that do not exceed \$1,500. All resources available, e.g., relatives, other persons, the State of New Hampshire, Social Security or other sources as per RSA 165:3 I, II, will be applied toward reduction of the Welfare Department's cost. The family or person(s) handling final arrangements does not have the right to insist on something other than the least expensive arrangements. The Constitution does not require special religious rites, etc. to be paid for at public expense.

## **XVIII. NON-RESIDENTS**

No persons shall be refused assistance solely on the basis of residence. RSA 165:1. An application will be processed in accordance with the City of Manchester Guidelines.

**NOTE: The City of Manchester Welfare Department complies with the New Hampshire Local Welfare Administrators Association's ethics resolution. See Appendix E.**

## **XIX. IMMIGRATION POLICY**

The Welfare Department acts in accordance with state and federal laws concerning assistance to immigrants. Manchester City Welfare utilizes the Department of Homeland Security's SAVE Program (Systematic Alien Verification for Entitlements) to determine the Qualified Alien Status thereby ensuring only qualified applicants/clients apply for and receive General Assistance.

## **XX. DEPARTMENT FRAUD POLICY**

Cases of suspected fraud, including but not limited to false statements regarding income, employment status, residence, household members and bank accounts or other assets, shall be reported to any other agency and/or person(s) for such action as may be appropriate. When making such reports the Department will provide all appropriate records and documents in its possession to that agency and/or person(s).

## **XXI. DEPARTMENT THREAT POLICY**

Applicants/clients who make threatening statements and/or actions against staff members may be prohibited from returning to the Welfare Department office. In such cases, applicants/clients may be required to conduct all business with this department via phone, fax, and/or mail. The Welfare Commissioner or his designee

will implement, when necessary, appropriate measures to insure office personnel are not placed in harm's way.

#### **XXII. PRE-APPROVAL TO SUPERCEDE GUIDELINES**

If through emergency, necessity or unusual circumstances, these Guidelines need to be superceded, the welfare official must obtain pre-approval from the Welfare Commissioner or his designee.

#### **XXIII. SEVERABILITY**

If any provision of these Guidelines is held at law to be invalid or inapplicable to any person or circumstances the remaining provisions will continue in full force and effect.